

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ANTONIO MARQUES SMITH, SR.,

Plaintiff,

ORDER

v.

Case No. 23-cv-191-jdp

ERIC PETERS, et al.

Defendants.

On March 23, 2023, the court assessed plaintiff Antonio Marques Smith, Sr. an initial partial payment of \$65.26 due by May 2, 2023. Now plaintiff has submitted a motion for reconsideration. Plaintiff's general trust fund account lacks sufficient funds, and plaintiff seeks an order requiring disbursement of \$65.26 from plaintiff's release account.

Pursuant to 28 U.S.C. § 1915(b)(1), prison officials are required to use a prisoner's release account to satisfy an initial partial payment if no other funds are available. *Carter v. Bennett*, 399 F. Supp. 2d 936, 936-37 (W.D. Wis. 2005).

ORDER

IT IS ORDERED that prison officials are directed to disburse \$65.26 from plaintiff's release account for payment of the initial partial filing fee. Plaintiff's initial partial filing fee is due by May 23, 2023.

Entered this 28th day of April, 2023.

BY THE COURT:

/s/

ANDREW R. WISEMAN
United States Magistrate Judge